IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5882 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DOLUBHAI MAGANBAHI OAD THROUGH P.O.A.

Versus

STATE OF GUJARAT

Appearance:

MR NK MAJMUDAR for Petitioner

NOTICE SERVED BY DS for Respondent No. 1, 4

Ms. Siddhi Talati, AGP for Respondent No. 2

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 21/03/2001

ORAL JUDGEMENT

On joint request of learned counsel for the respective parties, this matter is taken up for final hearing today.

2. As a result of the hearing and discussion, learned counsel for the petitioner clarifies that prayers made in Para 14(b) and in the alternative (c) be considered in the context of the averments made in the

petition to the effect that the petitioner will be satisfied if orders are passed pari passu as in the case of order annexed at Annexure "E".

3. On the facts and circumstances of the case it appears to be a reasonable request, particularly since the petitioner appears to be economically backward and otherwise under-privileged.

4. Consequently the impugned order at Annexure "D" is quashed and set aside and the matter is remanded back to the State Government for a reconsideration of the matter, and for passing orders pari passu to the orders passed at Annexure "E" (if otherwise permissible in law).

5. On the basis of the aforesaid observations and directions, learned counsel for the petitioner seeks permission to withdraw the present petition. This petition is accordingly disposed of with no order as to costs.

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rmr.